

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. Serial No.: 09/753,472

Group Art Unit: 1825

Filing Date: January 3, 2001

Examiner: Goldberg, Jerome D.

Applicant: Guilherme L. Indig

Attorney Docket No.: 09820.146

Title: USE OF CRYSTAL VIOLET AS PHOTOCHEMOTHERAPEUTIC AGENT

RESPONSE TO RESTRICTION REQUIREMENT

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the Restriction Requirement dated March 11, 2002, the time period for response thereto being set to expire May 11, 2002, by virtue of the Petition for One-Month Extension of Time and fee file herewith, Applicant provisionally elect, with traverse, Group II, Claim 6-10.

REMARKS

The above-restriction is made with traverse.

Restriction is proper only if the restricted claims are independent or patentably distinct and there is no serious burden placed on the Examiner if restriction is not required. See MPEP §803. The burden is on the Examiner to provide reasons and/or examples to support any conclusion of patentable distinctness between the restricted claims. Applicant respectfully traverses the restriction requirement on the grounds that the Office has not carried the burden of providing any reason and/or example to support the conclusion that the claims of the restricted groups are, in fact, patentably distinct.

In regard to claims 1-5 versus claims 6-10, the Examiner has asserted that a reference anticipating the first group of claims will not render the second group of claims obvious or anticipated. Applicant respectfully submits that the reason offered by the Examiner is insufficient to support a conclusion of patentable distinctness. The statement that a reference anticipating the first group of claims will not render the second group of claims obvious is merely a restatement of the conclusion of patentable distinctness itself. Thus, no adequate

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